

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT J. JONES,

Plaintiff,

No. C 07-03054 JSW

v.

NAPA POLICE DEPARTMENT, et al.,

**ORDER OF DISMISSAL**

Defendants.

On September 30, 2008, the Court issued an Order to Show Cause ("OSC") why the Court should not dismiss Plaintiff's claims under 42 U.S.C. § 1983 ("Section 1983") against Michelle Jones ("Ms. Jones") and Thomas Toler for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6). Plaintiff's response was due by October 20, 2008. To date Plaintiff has not filed a response to the OSC. Accordingly, the Court finds that Plaintiff has not demonstrated that he has stated a Section 1983 claim against Ms. Jones or Toler and thus dismisses these claims. Absent Plaintiff's Section 1983 claims against Ms. Jones and Toler, there is no independent basis for the exercise of federal jurisdiction. Pursuant to 28 U.S.C. § 1367(c)(3), the Court declines to exercise supplemental jurisdiction over Plaintiffs' state law claims and the complaint is dismissed in its entirety.

**IT IS SO ORDERED.**

Dated: October 27, 2008

  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ROBERT J. JONES,  
Plaintiff,

Case Number: CV07-03054 JSW

**CERTIFICATE OF SERVICE**

v.

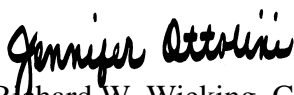
NAPA POLICE DEPT. et al,  
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 27, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Robert J. Jones  
2063 Main St.  
Suite 222  
Oakley, CA 94561-3302

Dated: October 27, 2008

  
Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk